

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

DAVID L. BARBER

CIVIL ACT. NO 09-CV-1562

V.

JUDGE MELANÇON

**BRISTOL-MYERS SQUIBB CO.,
ET AL**

MAGISTRATE JUDGE HANNA

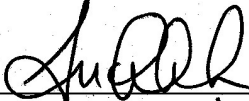
J U D G M E N T

This matter was referred to United States Magistrate Judge Patrick J. Hanna for Report and Recommendation. No objections have been filed. After an independent review of the record, the Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein.

IT IS THEREFORE ORDERED that plaintiff be allowed to amend his complaint within 14 days of the date of Judgment by the District Judge;

IT IS FURTHER ORDERED that defendant Bristol-Myers Squibb Company's Motion to Dismiss the Complaint [Rec. Doc. 5] and defendant Otsuka America Pharmaceutical Inc.'s Motion to Dismiss the Complaint [Rec. Doc. 7] are **DENIED WITHOUT PREJUDICE** to reurge same, if indicated, after plaintiff's amended complaint is filed.

Lafayette, Louisiana this 5th day of February, 2010.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE